

**NorthMet Project
Tribal Sieve List Meeting
9:00 AM – 4:00 PM, March 29, 2012
Fond du Lac Natural Resource Management Division Building
FINAL May 1, 2012**

Attending Parties:
See attached table of attendees

Meeting Facilitators:
Nancy Schuldt, Fond du Lac
Lisa Radosevich-Craig, Superior National Forest

Welcome and Introductions: Nancy Schuldt, Lisa Radosevich-Craig

Purpose of Meeting:

The purpose of this meeting is to further discussions with the Fond du Lac, Grand Portage, and Bois Forte Bands concerning the NorthMet Project. It was agreed to create a Sieve List, which would be used to track unresolved Tribal issues and comments. Since the June 23rd, 2011 Tribal Sieve List Meeting, the Sieve List has been populated with various topics and specific items. We plan to provide a summary and discussion of the status and progress for the development of these items as they pertain to the Supplemental Draft Environmental Impact Statement (SDEIS) process. At the conclusion of this meeting, we hope to have a better understanding of the Tribal perspective on the various issues and a mutually acceptable direction forward.

Proposed Changes to the Meeting Agenda: None

Project Update: Tom Hingsberger, U.S. Army Corps of Engineers

- SDEIS Status & EIS Development Schedule

The model inputs phase is ongoing. PSDEIS chapter writing continues with a focus on Chapters 5-9. **Tom Hingsberger to distribute GoldSim QA/QC document to the Cooperating Bands and Tribal Staff.**

Action Items¹
Tom Hingsberger to distribute GoldSim QA/QC document to the Cooperating Bands and Tribal Staff.

Sieve List Item Updates: See Sieve List Responsible Party

- General Project Planning
 - Cooperating Agency Review of Chapters 1-4².

¹ Action items identified during the conversations are bolded. All action items for each topic are listed in a table following the topic text.

Draft PSDEIS Chapters 1-4 were distributed to the Bands and Tribal Staff who attended the meeting in person via CD and were also posted via the FTP site. These draft chapters reflect the same chapters the Co-leads reviewed and provided comments to in January. Revisions to Chapters 1-4 to reflect Co-lead comments are underway. **The Co-leads will discuss the distribution of their comments on PSDEIS draft Chapters 1-4 to the Bands.**

- Distribution of draft thematic responses to the Bands.

The Co-leads have reviewed the draft thematic comment responses and provided comments to ERM. **The Co-leads will follow-up regarding how the draft thematic responses are being used in the development of the PSDEIS. Tom Hingsberger will follow-up regarding the distribution of the draft thematic responses to the Bands.** It was noted that the draft thematic comment responses are a work in progress and will be revised as modeling results come in.

- Protocol for tribal participation in the waste characterization IAP (Geochemistry) workgroup.

Tom Hingsberger noted that the bi-weekly Cooperating calls or other technical discussions are good avenues for discussions like these as the workgroup does not have any future scheduled meetings. **The Co-leads will send out Doodle Polls for an Underground Mining Alternative call and a Mine Site Hydrology call with the Bands (to be scheduled in April).**

- Executive summary of all changes included in the September 2011 Project Description.

ERM will follow-up regarding the summary of all changes from the 2009 DEIS to the current Project Description.

- Concept of mine site as a “Greenfield”.

The term “Greenfield” is no longer being used. **Co-leads will discuss how the Mine Site will be described at a bi-weekly Cooperating Agency call.**

- Cultural Resources

- Natural Resources to be Discussed/Analyzed as Part of Cultural Sections.

Andrew Bielakowski and Brad Johnson plan to schedule a meeting with the Bands to discuss the Cultural Chapter and approach.

- Underground Mining

² Sub-bullets located throughout agenda are discussions or action items from previous meeting notes that have been identified for specific discussion. Meeting attendees will discuss the status of these items.

- Provide date for underground mining workgroup meeting.

The Co-leads will distribute the revised draft Underground Mining Alternative Position Paper to the Bands prior to the Underground Mining Alternative call (to be scheduled in April).

- Financial Assurance
 - Detailed closure plan.

It was noted that the Bands' concern is not linked to financial assurance and requested **that this item be moved from the “Financial Assurance” portion of the sieve list to a “Closure Plan” category to prevent future confusion.** Instead, the concern is related to reclamation. **The Co-leads will follow-up on the closure plan regarding reclamation and compiling available information in one place.**

Action Items
Co-leads to discuss the distribution of Co-lead comments on PSDEIS draft Chapters 1-4 to the Bands.
Co-leads to discuss how the draft thematic responses are being used in the development of the PSDEIS.
Tom Hingsberger to follow-up regarding the distribution of the draft thematic responses to the Bands.
Co-leads to send out Doodle Polls for an Underground Mining Alternative call & a Mine Site Hydrology call with the Bands (to be scheduled in April) .
ERM to follow-up regarding the summary of all changes from the 2009 DEIS to the current Project Description .
Co-leads to discuss how the Mine Site will be described at a bi-weekly Cooperating Agency call (to be scheduled in April).
Andrew Bielakowski and Brad Johnson to schedule a meeting with the Bands to discuss the Cultural Chapter and approach .
Co-leads to distribute the revised draft Underground Mining Alternative Position Paper to the Bands prior to the Underground Mining Alternative call.
Co-leads to follow-up on the closure plan regarding reclamation and compiling available information in one place.
ERM to move the “detailed closure plan” item on the sieve list to a “closure plan” category.

Sieve List Item Updates: See Sieve List Responsible Party

- Socioeconomics

The revised IMPLAN report and responses to comments on version 1 was distributed to the socioeconomic workgroup on March 28, 2012.

- Cumulative Effects

- Check with Doug Norris and Steve Kloiber to determine if there is available information from the statewide wetlands status and trends analysis to use in wetland analysis.

The 2010 Status and Trends of Wetlands in Minnesota: Wetland Quantity Baseline Report was referenced. This report can be found on the MDNR website at: http://files.dnr.state.mn.us/eco/wetlands/wstmp_report_final_121410.pdf

- Decide if impacts to biological communities identified in the Impaired Waters List should be evaluated as part of the EIS process.

Nancy Schuldt and Bill Johnson will contact Richard Clark regarding a decision to evaluate impacts to biological communities identified in the Impaired Waters List as part of the EIS process.

- Biodiversity
 - Status of the Biological Assessment (BA) and the providing of contact information for the staff that will work with the USFWS.

Nick Rowse provided an update on the status of the BA and path forward. He noted that it should be available for Co-lead review at the end of April. **He plans to contact Tribal Chairs to initiate the consultation process and to determine who should be involved in the discussion of the BA.**

- Provide contact information for the staff that will work with the USFWS in developing the biological opinion.

Action Items
Nancy Schuldt and Bill Johnson to contact Richard Clark regarding a decision to evaluate impacts to biological communities identified in the Impaired Waters List as part of the EIS process.
Nick Rowse to contact Tribal Chairs to initiate the consultation process and to determine who should be involved in discussion of the Biological Assessment (BA).

Sieve List Item Updates: See Sieve List Responsible Party

- Climate Change

Co-leads will follow-up with ERM regarding the location of climate change in the PSDEIS.

- Water Treatment and Discharges
 - Is PolyMet responsible for sulfate discharges from cell 2W?

The Co-leads informed the group that PolyMet is responsible for sulfate discharges from cell 2W.

- How will the performance of the wastewater treatment facility at the tailings basin be addressed?

Esteban Chiriboga noted that this item relates to the closure plan discussion and stated that he would like to see a treatability analysis discussed in the EIS. **The MDNR will discuss a treatability analysis with the MPCA.**

Esteban created a GIS map of compliance points and a copy was passed around during the meeting. Steve Colvin noted that wild rice/water quality issues are a regulatory issue primarily, with decisions impacting the EIS, and encouraged the group to follow-up with the MPCA. **Nancy Schuldt plans to follow-up with MPCA regarding the compliance point for wild rice sulfate criterion.**

- Seepage Capture System
 - What is the seepage capture rate that can be achieved?

Tom Hingsberger plans to follow-up with PolyMet regarding the potential of an analysis to be done regarding the seepage capture rate that can be achieved. He also plans to discuss putting this item on the Gantt chart with Erik Carlson.

- Permitting needs for water seepage through the tailings basin berm.

Steve Colvin plans to follow-up with MPCA regarding what permits are required for water that is not captured.

Action Items
Co-leads to follow-up with ERM regarding the location of climate change in the PSDEIS.
MDNR to discuss a treatability analysis with the MPCA.
Nancy Schuldt plans to follow-up with MPCA regarding the compliance point for wild rice sulfate criterion.
Tom Hingsberger to follow-up with PolyMet regarding the potential of an analysis to be done regarding the seepage capture rate that can be achieved and discuss putting this item on the Gantt chart with Erik Carlson.
Steve Colvin to follow-up with MPCA regarding what permits are required for water that is not captured.

Sieve List Item Updates: See Sieve List Responsible Party

- Groundwater Downgradient in Wetlands

Margaret Watkins discussed concern related to the management and mitigation of brines and noted that it is likely brines will be encountered. **The Co-leads plan to discuss evaluation and management of brines.**

- GoldSim Modeling
 - Requested modeling files and draft QA/QC reports developed for GoldSim.

The Co-leads will distribute the Phase I Mine Site QA/QC document and Water Calibration document (version 3) to the Bands. Tom Hingsberger plans to discuss with Erik Carlson the possibility of adding the availability of MODFLOW and XPSWMM modeling results to the Gantt chart.

- **Mercury Issues**
 - Provide date for a technical discussion of mercury issues, to include the Barr April 2010 Sulfate, Methyl mercury, and Mercury Monitoring Report.

The MDNR is in the process of discussing the mercury issue. **Plans are being made to conduct a meeting in the near future which will include the Cooperating Agencies.** Nancy Schuldt is in the processing of compiling her comments on the Barr 2010 report and **plans to distribute them to the Co-leads.**

- Compliance for sulfate/wild rice criterion, MN Ground Water Standards.

Steve Colvin will follow-up regarding where compliance points are in relation to the Project site for MN Groundwater Standards.

- **Baseline Data**

Co-leads will follow-up with Barr regarding baseline small surface water quality sampling data.

Action Items
Co-leads to discuss evaluation and management of brines.
Co-leads to distribute the Phase I Mine Site QA/QC document and Water Calibration document (version 3) to the Bands.
Tom Hingsberger to discuss with Erik Carlson the possibility of adding the availability of MODFLOW and XPSWMM modeling results to the Gantt chart.
Co-leads to invite Cooperating Agencies to mercury discussion when call is scheduled in the near future.
Nancy Schuldt to distribute her comments on the Barr April 2010 Sulfate, Methyl mercury, and Mercury Monitoring Report.
Steve Colvin to follow-up regarding where compliance points are in relation to the project site for MN Groundwater Standards.
Co-leads to follow-up with Barr regarding baseline small surface water quality sampling data.

Other Issues/Wrap-up: Nancy Schuldt

The next meeting was tentatively scheduled for May 23rd, 2012 and will occur based on the status and outcomes of future calls (e.g. Underground Mining, etc.) and outstanding action items.

NorthMet EIS Project
Meeting to Discuss Sieve List
March 29, 2012
Meeting Attendees

Name	Band / Agency	Role	Attended
Nancy Schuldt	FDL	Co-facilitator / Water Projects Coordinator	In Person
Joy Wiecks	FDL	Air Program	In Person
Alex Jackson	FDL	Air Program	In Person
Rick Gitar	FDL	Water Regulatory Specialist	In Person
Margaret Watkins	GP	Water Quality Specialist	In Person
Rose Berens	BF	Tribal Historic Preservation Officer/ Heritage Center Executive Director	In Person
Bill Latady	BF	Curator	In Person
Nick Axtell	1854	Environmental Specialist	In Person
Darren Vogt	1854	Environmental Division Director	In Person
Esteban Chiriboga	GLIFWC	GIS Mapping Specialist	By Phone
John Coleman	GLIFWC	Environmental Section Leader	By Phone
Tom Hingsberger	USACE	Project Manager	In Person
Brad Johnson	USACE	Cultural/Tribal Liaison	In Person
Tim Dabney	USFS	Deputy Forest Supervisor	In Person
Tom Hale	USFS	SNF Project Manager	By Phone
Lisa Radosevich-Craig	USFS	Co-facilitator / SNF Partnership Coordinator & Tribal Liaison	In Person
Nick Rowse	USFWS	Fish and Wildlife Biologist	In Person
Steve Colvin	MDNR	Environmental Review Supervisor	In Person
Andrea McGinnis	ERM	Project Administrator	In Person
Andrew Bielakowski	ERM	Tribal Support Coordinator	In Person
James Grimes	USEPA	SEEP/OECA	By Phone
Melanie Haveman	USEPA	Region 5	By Phone